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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,023	01/10/2002	Toshihiro Morita	275730US6PCT	4611

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EXAMINER
CHEN, TE Y

ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	09/889,023	MORITA ET AL.
	Examiner	Art Unit	
	SUSAN Y. CHEN	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2007*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *41-43 and 48-69* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *41-43 and 48-69* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *June 05, 2008*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Response to Amendment

This office action is in response to the amendment filed on March 18, 2008.

Claims 41-43 and 48-69 are pending for examination. Claims 41, 48, 53, 55, 60,

62, 67 and 68 have been amended; claim 69 has been newly added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 41-43 and 48-68, are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 6,412,012 issued to Bieganski et al. (hereinafter

referred as '012 Bieganski) in view of U.S. Patent No. 6,959,288 issued to Medina et al.

(hereinafter referred as '288 Medina).

Claims 41, 48, 53, 55, 60, 62 and 67-68:

Bieganski discloses an information processing system as claimed [e.g.,

Fig. 1] comprising:

- a recording unit for recording usage history data and the related data recorded in the recording means based on at least two filtering data set, wherein, each of the at least two filtering dataset defining a filtering criteria as a computation of a weight per each contents. [e.g., the CPU (102, Fig. 1) can coupled to the memory system (104, Fig. 1) and the secondary storage(108 of Fig. 1) to log history data indicative of usage history of the group of contents. Furthermore, the data being stored in the History Set (203, Fig. 2) and the customer's behavior data recorded at a shopping set as specified at col. 8, lines 7-8, and the Purchased Items associated to a particular user's Transaction, and the item compatibility rule data sets at (900, Fig. 9), and the recommendation sets generated by the engine (600, Fig. 14; col. 14, lines 31-33), wherein the at least two filtering data set (e.g., the units: 303, 305, 306, Fig. 3 and associated texts) are deemed to define as filtering criteria as a computation of a weight per each contents in the recommendation set (e.g., col. 3, lines 48-58)]; the recording unit being configured to change the filtering criteria of the at least two filtering data sets to values input by a user, the values independent of the usage history (e.g., the automatically recommendation sets that being created by collaborative filtering systems processing at col. 6, lines 4-12).

- a computing unit configured to compute a weight related to a
  number of checkout per each of the contents based on both the
  history data and one of the at least two filtering data set [e.g., the
  compatibility modifier (200, Fig. 2) of the collaborative filtering
  system will accept a stored number of checkout (or the number of
  times each item was purchased, Fig. 9) per each of the contents
  from the history data on a filtering rule specified by a marketer or
  customer or the processing of recommendation engine itself (col.
  9, lines 63-49) and other filtering criteria form the units such as
  201, 202, 203, 204 of Fig. 2 to compute a weight related to the
  number of checkout (the steps 752-756, Fig. 7A)], wherein, the
  computing unit receiving the filtering criteria of the at least two
  filtering data sets, wherein the filtering criteria of the at least two
  filtering data sets is generated by a user operation the information
  processor [e.g., the collaborative filtering systems at col. 6, lines
  4-6, Fig. 2 and associated texts];

- a selecting unit for selecting a content from a group of contents
  based on weight computed by the computing means [e.g., the
  user interface adapter coupled to the Input Device (114, 118, Fig
  1) can be used to select the modified recommendation set based
  on weight computed by the compatibility modifier (Fig. 5; Fig. 6;
  col. 13, line 21 - col. 14, line 14; col. 14, line 31-col. 15, line 2)];

- •   a displaying unit for display a list of at least titles in the information

related to the contents selected by the selecting means [e.g., the

Display Adapter (112, Fig. 1) coupled to the Display Device (116,

Fig. 1) can display a list of recommended books selected by the

book reviewer (col. 7, lines 49-54)].

'012 Bieganski did not directly explain that the selection unit configured to create

at least two filtering packages based on the at least two filtering data sets, wherein each

of the at least two filtering packages includes information identifying the content

selected, and the information identify the content is capable of being shared by at least

two filtering packages so as to allow the content to belong to both the at least two

filtering package at any given time.

However, '288 Medina discloses the claimed features [e.g., col. 11, lines 7-30,

col. 68, lines 13-67, the content processing tool of Fig.(s) 8, 12-13 and associated texts]

'012 Bieganski and '288 Medina are in the same endeavor to facilitate the

sharing of group of content data via open network user interface, therefore, with the

teachings of Bieganski and Medina in front of him/her, it would have been obvious for

one of the ordinary skill person in the art at the time the invention was made to modify

Bieganski's system with the technique taught by Medina to provide the selection unit as

claimed that is configured to create at least two filtering packages based on the at least

two filtering data sets, wherein each of the at least two filtering packages includes

information identifying the content selected, and the information identify the content is

capable of being shared by at least two filtering packages so as to allow the content to

belong to both the at least two filtering package at any given time. Because by doing so,

as suggested by Medina the combined system will provides a standard for creating

digital players on end-user device that facilitates an end user to distribute, share and

manage of a local library of digital contents no other than what was purchased [e.g., col.

5, lines 39-53, Fig.(s) 8, 12-13 and associated texts].

As to claims 42, 49, 51-52, 54, 56, 58-59, 61, 63, and 65-66:

Except all the features recited in claims 41, 48, 53, 55, 60, and 62, the combined

system of Bieganski and Medina further discloses that the system comprising means to

computes per each of the contents as weight for a period for which the content has

been checked out or for the genre of the content or for playing time of the content [e.g.,

'288 Medina: col. 13, lines 1-9; col. 93, line15].

As to claims 43, 50, 57 and 64:

Except all the features recited in claims 41, 48, 53, 55, 60, and 62, the combined

system of Bieganski and Medina further discloses that the system comprising means for

adding new filtering data [e.g., '288 Medina: col. 11, lines 19-22].

Response to Arguments

Applicant's arguments with respect to claims 41-43 and 48-69 filed on March, 18,

2007 have been considered but are moot in view of the new ground(s) of rejection.

The examiner disagrees with applicant's arguments and piece-meal interprations

against prior art on record based on newly amended features that is cited as following:

Bieganski does not teach or suggest "the recording unit being configured to

change the filtering criteria of the at least two filtering data sets to values input by a

user, the values independent of the usage history. Further, it is respectfully submitted

that Medina does not teach or suggest such "a recording unit" either.

In reply to the above arguments, the examiner directs application attention to the

following excerpts disclosed by Bieganski:

"Recommendation sets may be generated in many ways.
Common mechanisms include "word of mouth" wherein a
person suggests items to another person, publication of
individual opinions such as movie or restaurant reviews
written by critics (which often have stars to indicate
a recommendation value); publication of collected
opinions such as the automobile reliability and movie
ratings published by Consumer Reports; evaluation by
systematic and possibly objective ratings formulas as
is commonly done for comparative product reviews;
evaluation by software systems that evaluate the
contents of the items being considered as is commonly
done for information retrieval searches such as
library and world wide web searchers; and collaborative
filtering systems that use the opinions of multiple
users to create a recommendation for other users.
An interesting case is the use of a recommendation
engine, which incorporates collaborative filtering,
content analysis, or both to automate the process of
generating recommendations. The present invention is
applicable to recommendation sets generated in all
manners, including those recommendation sets generated
by recommendation engines."

As set forth above, Bieganski clearly disclosed recommendation sets that being

automatically generated by collaborative filtering systems will record multiple users'

inputs for other users. Wherein the recommendation sets are deemed to be

independently created by a recommendation engine that incorporates with the

collaborative filtering, content analysis, or both to produce the sets.

Moreover, Bieganski clearly disclosed the universal set of his system as
following:

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"There are many different ways to determine
recommendation sets 201, shopping sets 202, history
sets 203, and item compatibility rules 204.  Each of
the sets and rules is based on a universal set of items
that defines the products, services, or other goods
that customers may buy or own.  The universal set of
items is extremely flexible, and is generally
customized for each application."
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Thus, as set forth above, in contrary to applicant's arguments, the prior art on

recode clearly disclosed the claimed limitations.

Based on the discussion above, the 35 U.S.C. 103(a) rejections are maintained.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SUSAN Y. CHEN whose telephone number is (571)272-

4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                          /Susan Y Chen/
                                                          Partial Sig. Examiner
                                                          Art Unit 2161

June 18, 2008

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161